

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Clifford E. Avery

v.


Civil No. 06-cv-448-SM

RI Dep't of Corrections, et al.

O R D E R

Denied (document no. 15, Request for Certificate of Appealability). The petition was dismissed as a second or successive petition filed without prior authorization from the Court of Appeals. 28 U.S.C. Section 2244(b)(3)(A). Petitioner should seek such authorization in the Court of Appeals. Apparently, he simply appealed the dismissal, but did not seek authorization to file a second petition. In any event, there is nothing in the request for a certificate of appealability that qualifies as "substantial showing of the denial of a constitutional right." 28 U.S.C. Section 2253(c)(2). Accordingly, the request is denied.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

May 2, 2007

cc: Clifford E. Avery, pro se
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Stephen Fuller, Esq.
Jon Vinson, NH DOC